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Convention on the Elimination of all Forms of Discrimination Against Women

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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Eleventh session
New York, 20-31 January 1992
Item 7 of the agenda

ADOPTION OF THE REPORT

Addendum

Honduras (197th meeting on 24 January 1992)

1. In replying to questions raised, the representative of Honduras said that, despite great efforts made by the Government to implement the Convention, many of the measures would show their effects only over time. She gave a summary of the country's forestry strategy, in which it was apparent that the Government wanted to promote the equitable integration of rural women into development. The strategy was aimed, among other things, at improving the living conditions of rural women, at facilitating the participation of women in management, at promoting social and family projects to eliminate stereotypes, at seeking alternatives for fuel and water to liberate women from the task of forest protection and at introducing legal reforms. Some of the recommended actions included coordination with non-governmental organizations (NGOs), training programmes, access to credit, child-care facilities and legal reforms. It was said that up to that date, women's concerns had not been taken into account in the elaboration of national programmes. Women were not considered important by society and their concerns were not taken into account in development projects.

2. Turning to article 2, she explained that, under the Family Code, women always had a preferential right over the salary and income of the husband in the quantities required for providing food for themselves and their minor children. The husband had a similar right if the wife had to contribute to the family income. Both spouses had the same duties to maintain, educate and instruct their children; in case of divorce the innocent spouse and the children were entitled to alimony. The assertion in the report that the

damage and trauma engendered on a male victim of rape were more serious than on a woman was the result of the prevailing criteria for the legislators, but a reform of that concept was under consideration.

3. Referring to questions raised under article 3, she said that the Group of Parliamentarian Women within the National Congress was more and more interested in reforming the laws that curtailed women's rights. That Group organized research activities, seminars and pressed for school reforms. Later on, NGOs and women's groups had started taking part in those seminars and currently there had been a nationwide meeting to work out a plan of action to carry out the project called "women's policies". More persons were currently being designated in different ministries to deal with women's problems. Regarding questions raised with respect to discrepancies in wages for men and women, she said that, under the provisions of the Constitution, all persons had the right to work under equal and satisfactory conditions with equal salary. However, in practice, the principle of equal pay was not always respected. Discrimination did not so much refer to the salary as to the level of posts. Many women were found in minor jobs; but the general economic deterioration had forced them to seek higher education and better work.

4. Referring to article 4, she said that the lack of mechanisms and services that would directly support women was to be explained by the scarce financial resources and the other reasons stated earlier on. Temporary measures, support and control services required strong enforcement mechanisms and, while the cause of women was starting to gain importance in the country, training also would have to be backed up. Consciousness-raising to eradicate remaining discrimination would turn out to be very difficult in practice. However, at the summit meeting of the heads of Central American States a new framework for action in the social field had become visible.

5. On article 5, she stated that the National Congress, the Rural Development Departments and the Ministry of Health, in cooperation with some NGOs, had conducted various seminars and training workshops directed to women at the grass-roots level. Information on HIV/AIDS was being provided to the farthest reaches of the country. She said that women's organizations were trying to coordinate efforts in order to solve common problems. No special regulations existed for migrant women, but those women could refer to normal legal procedures in case of violations of their rights. Similarly, there were no special programmes for refugee women. On lingering discriminatory socio-cultural attitudes, the Ministry of Education had drafted new textbooks and prepared new training material. Although the subject of sexual harassment was not yet covered by law, the Parliamentary Commission dealing with women's issues had presented a draft law to the National Congress, according to which acts involving lascivious attitudes and indecent sexual approaches between persons of different sex committed without consent were considered an offence and put under penal sanction. If such acts were committed by persons exercising authority over others, they were treated in the same way.

6. Regarding domestic violence, she explained that none of the obligations inherent to a marriage, pursuant to the Civil Code of 1906, could be enforced

by police or court action. Police, penal legislation and society at large disregarded domestic violence, unless it involved homicide or serious injury. Under the Family Code the only remedy in case of violence in the family was divorce or separation. Other reasons for divorce or separation were conduct aimed at perverting the spouse or children, the refusal to assist with education and food and the abandonment of a spouse for more than two years. The Penal Code put under sanction of brief imprisonment offences against the life and physical integrity of the legal or the common-union spouse physical violence against a pregnant women, non-compliance with the duty of financial assistance to the family and fraudulous evasion of the duty of maintenance. The denunciation of the offence had to be made by the victim and, in case of minors, by the legal representative and, if the perpetrator was the father or tutor, by the public prosecutor or the magistrate. Bodily harm had to be proved.

7. Regarding the legal provisions defining sexual violence, including rape, she said that they reflected patriarchal concepts and showed a disappreciation of women as human beings. In the case of rape, the woman's age, honesty and good reputation were paramount and the sentences were short prison terms. The procedures were often counterproductive for the victims because the security forces and the judiciary seemed indifferent to the victims, had no technical training and did not give them protection. The magnitude of violence against women was not generally recognized, and statistics existed only in the major cities, reflecting only the cases that had gone to court or were reported on by the media. For reasons of cultural stereotypes, those offences were mainly kept secret.

8. Replying to questions under article 6, she said that the National Board of Social Well Being was attempting to coordinate action in favour of child prostitutes through programmes of reorientation and rehabilitation for street children. Control over female prostitutes was mainly health-oriented, but because of economic constraints no further statistics had been established. As regards exploitation of prostitution, persons who promoted or facilitated prostitution or corruption of adults of either sex were liable to imprisonment of 10 to 15 years and, if the victim was a minor, of 20 years. The same penalties applied to whoever promoted or facilitated the entry of a person into the country for the purposes of prostitution. The laws punishing violence were equally applicable to prostitutes, although their claims tended to be underevaluated.

9. Turning to questions under article 7, she said that servicemen were not allowed to vote because the Honduran Army was a permanent, mainly professional, apolitical, obedient and non-deliberating national institution. Regarding nationality, she said that Honduran citizenship was acquired through birth or naturalization. Neither marriage nor its dissolution affected the nationality of the spouses or the children.

10. On article 10, the representative said that economic constraints reflected on the quality and level of school education. Regarding illiteracy, she explained that one third of urban illiterates were women. Many children

in rural areas had no more than three years of schooling and most dropouts from school occurred after the age of 10, when both boys and girls were needed for domestic tasks.

11. Turning to article 11, she admitted that the long duration of maternity leave was a point to be discussed, but said that, because of the poor economic situation, women did not understand yet that it could be a reason for discrimination in the workplace. Currently, no statistics were available on the degree of participation of women in the production process; however efforts would be made to provide data in the subsequent report. She mentioned figures of 1987 only, when 80 per cent of the working population were men and 20 per cent women. Turning to another question on article 11, she said that pregnancy was often a ground for dismissal in private industry. The fact that employers gave preference to men over women in the hiring process because of the risks involved in dropout from work because of pregnancies was related to the poor economic situation and corroborated through stereotypical attitudes, which would hopefully change over time. The provisions in the Labour Code concerning the work of women and minors were currently being revised.

12. On article 12, she stated that no information was available on the number of clandestine abortions. Consciousness-raising in matters of family planning was gradually having positive results as evidenced by the recent decline in birth rates. Births took place in hospitals or in health centres in rural areas. Midwives received special training through the Ministry of Health, particularly with regard to sex education, the transmission of sexual diseases and prenatal and postnatal care. The activities also of the Division for Maternal and Child Health were being further developed.

13. Answering questions raised under article 14, she explained that men were generally reluctant to allow their spouses the entry into cooperatives. She mentioned, however, a seminar on women and cooperatives sponsored by the International Cooperative Alliance, held in 1991, which worked out strategies for incorporating women into the development process, for quantifying domestic work, for allowing cooperative members to take part in juvenile training programmes and for including more women into the decision-making process. Emphasis was also laid on the importance of family planning and child-care facilities. The legislative draft amendment of the Agrarian Law foresaw the possibility to include the wife as direct beneficiary in the adjudication of land in urban and rural areas, to grant to the wife land rights in the absence or death of the husband and to extend the property rights.

14. Turning to article 15, she said that previously the husband had decided on the conjugal residence; however, the current Family Code stipulated that the domicile of the spouses was the place, wherever either of the spouses normally had their residence and the domicile of the children was that of the spouse with whom they normally lived.

15. Turning to article 16, she said that the order of legitimate guardianship of minors was a result of stereotyped criteria. The sanction of imprisonment of men in case of non-payment of alimony had not had any negative effects and,

provided the necessary resources were available, the consciousness of men should be raised. It might be useful to find other useful sanctions through some research on the matter. Regarding the economic administration of the family household, under the Family Code, the community regime and the separation of property were possible, without excluding the formation of family patrimony. Future spouses could decide on the type of administration of matrimonial property before celebrating their marriage. Regarding the distinct legal marriageable ages for girls and boys, she said that the provision was a heritage of sexist stereotypes from the past and was now under review.

16. Members thanked the representative for the efforts made at providing such detailed and frank explanations. They recognized that certain sectors required much further actions by the Government and that significant legal changes were needed to bring legislation in Honduras into line with the stipulations of the Convention, particularly as the cultural patterns were so deeply rooted that it was difficult to change them. The consciousness of both men and women needed to be raised. Without any change in thinking, legislative amendments could never have a long-lasting effect. It was to be hoped that subsequent reports would show that men were taking part in the efforts to advance women. It was also obvious that Honduras had to move forward with its economic and cultural progress. They underlined that the implementation of the Convention would contribute to the economic and social development of the country and that all energies, including the energies of women, must be put to use.

17. Special congratulations were expressed to the Government for having included information on the environmental concerns at a time when eco-feminism was emerging around the world and women's values seemed to coincide with those seeking to protect the environment. Women had a different approach to the environment, and the concept of "development" was being replaced by "sustainable development". In that evolution, women had an important role to play.

18. Concern was expressed by some members over the provision of the Honduras regulation that persons in active service were precluded from voting and that for belonging to an apolitical body one should be deprived of one of the most fundamental rights. It was asked whether that regulation applied also to police officers and prison guards, and the Government was invited to reconsider the related provisions in the Constitution. Other members, however, showed understanding for that provision, stating that many Latin American countries had endured frequent coups d'état, and the army had to bow to the regime of the country. Military and paramilitary organizations were supposed to protect the elections and the nation and not to be involved in politics.

19. An expert asked whether the Government was aware of the important principle of equal pay for work of equal value and the Honduran legislators were invited to take it into account in the preparation of future legal reforms.

20. In concluding observations, the Committee expressed its appreciation for the Government's efforts in implementing the Convention and in improving the status of women, while taking note of the political situation that prevailed in Honduras and also of the background of Latin American countries in general. It emphasized the interlinkage of development and social progress and pointed out that the Convention was one of the few international instruments that addressed the various aspects of human activity. In spite of the conditions still prevailing in the country, it was noted that the Convention had had a positive impact on the status of Honduran women. Since the time of ratification, many positive reforms had been undertaken, especially referring to the family, the penal and the agrarian codes. The Committee noted that the introduction of a new system to evaluate agrarian reforms merited closer examination and evaluation and its results should be included in subsequent reports. Some uncertainty as to whether the Penal Code discriminated against women and whether the principle of equal pay for work of equal value was respected preoccupied the Committee. The Committee felt also that the issue of violence against women required close monitoring. It was hoped that the Government would take strong measures to eliminate old stereotypes curtailing the role of women and address consciousness-raising campaigns to both women and men to allow women to contribute effectively to society.

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ADOPTION OF THE REPORT

Addendum

Czechoslovakia

1. The Committee considered the second periodic report of Czechoslovakia (CEDAW/C/13/Add.25) at its 199th meeting, on 27 January 1992. The list relating to that report contains the following questions.

General observations

The second periodic report was prepared before constitutional changes, and may not accurately reflect the current situation.

The report contains detailed answers to the questions put by the Committee on the initial report, which is useful. But it does not clearly address the changes, which have occurred under specific headings and articles. To this extent it does not comply with the guidelines of the Committee.

Areas of progress

There were significant constitutional changes in 1989. There appears to be continuing commitment to the principle of equality, and the changes may in the long run lead to greater opportunities for democratic participation by women.

Difficulties still encountered

It is uncertain how the new constitutional changes will affect the status of women in areas such as work, family responsibility, etc. Women now have a lower level of political participation than before.

There are reports that the system of funding child care have changed, and that this may mean fewer places and higher costs.

Women's earnings are still much lower than those of men, and the workforce is still segregated, so that there are few women in technical vocations.

Studies on time use show that women still bear the greatest burden of domestic work.

There have been changes in the abortion law, but it is uncertain whether adequate provision has been made for access to information and services about contraception.

Articles 1-4

1. The new Constitution is said to guarantee equality and to provide equal access to the courts. Are there specific anti-discrimination laws under which women can have recourse to courts in case of alleged violation of rights, to complain of discrimination?

2. What remedies and enforcement mechanisms are available, and what kind of decisions have been made?

3. How have the constitutional changes of the last two years affected women in political participation, and in other areas, such as work and family responsibility?

4. To what extent have women been involved in drafting the new Constitution?

5. What women's organizations were active in supporting the new Constitution?

6. What are the respective roles of the Federal Ministry of Labour and Social Affairs and of the Government Committee on Women in implementing the Convention?

7. What are their sizes and their budget?

8. Which organization is responsible for preparing the current report, and for disseminating information about the Convention and the work of CEDAW?

9. What have been the effects of the work of the Governmental Committee on Women in improving the situation of women?

10. What national machinery for the advancement of women has been established as a result of constitutional change?

11. What governmental departments or agencies are responsible for implementing programmes related to the status of women and equality of women?

12. Was reference made to the recommendations of the CEDAW Committee in preparing the report?

13. Which women's organizations were consulted in preparing the report?

14. How many organizations are there and what is their membership?

Article 5

1. What is the new family policy?

2. Does it encourage women to return to traditional family roles?

3. What measures are there to combat stereotyped images and stereotyped roles of men and women?

4. What measures have been taken to ensure that fathers take part in child rearing, and that domestic work is shared on an equal basis?

5. Which agency is responsible for taking these measures?

Violence against women (articles 2, 5, 11, 12 and 16)

Violence against women is not identified as an issue needing special attention. It is treated as an offence under the general criminal law. Is it planned to introduce special laws and protective measures for women?

Articles 7 and 8

1. The number of women in Parliament and in the ministry appears to have been reduced from 10 per cent in 1987 to 6 per cent in 1990. There are no women in ministerial positions. What measures are being taken to encourage greater participation, e.g., temporary special measures?

2. What new democratic women's organizations are emerging?

3. Are women active in political parties, in trade unions and other political organizations?

4. When the initial report was presented, it was mentioned that there were plans to integate more women in diplomatic courses. What have been the effects of this, and how many women have been recruited and promoted?

Article 10

1. The initial report mentions the high proportion of women in higher education and in the professions. It also referred to special provisions for working women and mothers to study. While women have access to higher education and to the professions, few women undergo vocational training in the technical areas. Are there measures to change this and to ensure that women have full and equal opportunity in all fields of employment?

2. Although many women are training and being educated for the professions, few achieve leadership roles, e.g., professorships, political leadership. What is the reason?

3. What is being done to ensure that the best use is made of women's skills, talents and education?

4. Are there any groups, such as gypsies, migrants, the disabled, who do not have equal access to education?

5. What special programmes are there for the education of disadvantaged groups of women?

Article 11

1. It was said in the initial report that women's wages were lower, because they performed less skilled work. The information is that women's earnings are 69 per cent of men's. It was also recognized that women's special skills, e.g., dexterity, were not always reflected in pay, and that men's greater mobility enabled them to earn more in construction. What is being done to implement the Committee's recommendation on equal pay and job evaluation?

2. What is the current rate of unemployment for women, and is it disproportionate to men's unemployment?

3. Are any age groups especially affected by unemployment?

4. Are many women discouraged from entering the employment market, because of lack of skills training and child care?

5. What plans are there to end segregation in the labour market, and to eliminate distinctions, which preclude women from certain sectors?

6. How many women take parental leave compared with men and for what average period?

7. Is it intended to make better provisions for workers with family responsibilities by extending parental leave to fathers?

8. What is the present position about funding nurseries for working parents? Can all women who need to do so have access to such nurseries?

9. The report states that International Labour Organisation (ILO) Convention 89 on night work and other provisions prohibiting certain work for women are to be reviewed in 1988. What jobs are prohibited for women; is this in accordance with the ILO Convention?

10. Are women entitled to the same social benefits as under the previous Government? Do they get benefits as individuals or as dependants?

11. What social benefits are available to women who are not employed?

12. How many women work in the informal sector?

13. What kind of activities do they carry out?

14. What are their working conditions and social benefits?

15. The second periodic report identifies lack of leisure for women as a problem; what further action is planned to overcome this?

Article 12

1. How will unemployed women be affected by changes in the funding of health care, under which employers are to bear a portion of the cost?

2. Cases of AIDS have been reported. What preventive and educational measures are being taken especially directed to women?

Fertility, contraception, abortion

3. The report mentions a national family policy. Could information be provided about this?

4. There have been moves to alter the abortion laws and to reduce the high number of abortions. Have adequate provisions been made for sex education and family planning and contraception to offset the greater difficulty and cost of abortion?

5. Have these measures had any effect on the fertility rate?

Article 16

1. In the initial report it was said that the property of husband and wife is shared equally on divorce, and that women's domestic contribution was given equal value. Could examples of court decisions be given to illustrate this?

2. Are there any studies to evaluate the value of women's unpaid domestic work?

Replies of the Government of Czechoslovakia

2. In her introductory statement, the representative of the Government stated that since the submission of the report currently before the Committee, in July 1989, revolutionary political and social changes had taken place in her country. A pluralistic democracy, based on the freedom of each individual and the realistic implementation of his or her rights, had replaced the old regime after its collapse in November 1989. Free elections had been held in June 1990 and the economy was being transformed into a free-market economy. She would therefore present the Committee with the assessment of her Government concerning the second periodic report submitted in July 1989; she would describe developments that had taken place since the November 1989 revolution; and she would inform the Committee of the policy of the Government regarding the solution of problems of equal rights of women in the future.

3. She stated that the report before the Committee did not reflect the basically new situation in her country, but was based on the concept of centrally directed management in all spheres of society, including the issue of equal rights of women. This concept had led to optimistic programmes, such as, inter alia, the full employment of women. For ideological reasons, however, in practice women's problems had not been dealt with systematically by the old regime, except in certain areas such as the right to work and social security, and quotas on women's participation in political life. She stated that this had also led to the detrimentally excessive feminization of some branches, such as education. She went on to state that the data that had been provided in the report did not reflect the optimistic spirit of the text, and a more complex and objective view of the situation of women in Czechoslovakia would be presented to the Committee in the third periodic report, to be submitted by the end of the year.

4. The representative said that the new developments which had taken place in 1990 and 1991 had occurred with regard to the equal human rights for all citizens; they referred to equality-oriented legislation, abandoning a paternalistic approach to women and families; they referred to the social and economic spheres; and they referred to institutional guarantees. The Federal Ministry of Control had been entrusted with initiating, conceptualizing and coordinating a new approach for dealing with problems concerning the equal status of women. The Convention on the Elimination of All Forms of Discrimination against Women and the Nairobi Forward-looking Strategies, both of which were little known by government officials and the public alike, would form cornerstones in this regard. Another element was the understanding of the new Government and non-governmental organizations (NGOs) that true equality of women must go hand in hand with the creation of political, social, health, cultural, educational and ecological conditions for comprehensive social development. She added that it was generally accepted by her Government that the social shocks of transition were affecting women much more than men.

5. She went on to state that the transformation of the economy and the uprooting of past patterns of social behaviour were giving rise to social uncertainties and to a temporary real decline of the standard of living, leading to expected or already existing crisis situations. The permanent attention of governmental and representative bodies will be required to integrate questions of women's equality into this complicated atmosphere.

6. In order to address these issues, the Government had adopted in February 1991 a document entitled "Principles of the policy of the government of the Czech and Slovak Federal Republic in the sphere of implementation of the rights of women", resolution No. 120/91. That resolution contained the basic principles which constituted the right framework for facing the concrete needs of the woman in her country. The principles had been drawn from the experience of other countries, from the work of the United Nations Commission on the Status of Women, from international events, as well as from the constitutional law on the bill of fundamental human rights and freedoms, and the Convention on the Rights of the Child, which had been ratified by her Government. The adoption of these principles was preceded by a broad discussion and the participation of various ministries and institutions, both at the level of the Federation and of the two Republics. Initiatives of women's organizations set up after the dissolution of the former united Czechoslovak Union of Women had also been taken into account. The principles define the basic orientation of the policy of the Governments of the Federation, and of the two Republics, in legislation, in the orientations in the socio-economic field, on safety at work, on health insurance, issues on the participation of women in the management of society, in education (including research work) and with regard to institutions. The representatives said that the principles did not yet embody, in a concrete form, necessary national (republic) mechanisms, as recommended by the Commission on the Status of Women. She explained that the principles were to be translated into concrete measures in 1992 and 1993 on the basis of a document already submitted for debate in the Government. The document addressed the issue of competence of the federal and the republic level. It further dealt with activities in conjunction with the International Year of the Family and with the Fourth World Conference on Women in 1995, which her Government was interested in hosting. She stated that the complex of measures remained however an open document that would be widely discussed with political parties and non-governmental organizations and would be updated accordingly. She said that matters of equal status of men and women were expected to be reflected also in the upcoming pre-election period and the election in June 1992, in particular since women's representation in political bodies was extremely insufficient.

7. The representative then proceeded to provide answers to the questions raised by the pre-session working group.

8. Concerning articles 1 to 4, she informed the Committee that no specific anti-discrimination laws had been introduced in the legal system, nor did the draft of the new Constitution contain such a law. She said that no discriminatory laws existed in the legal system, but this did not mean that

there was no discrimination de facto. She pointed to two major constitutional changes, the first being the abolition of the leading role of the Communist Party of Czechoslovakia, which implied the loss of power of affiliated organizations, such as the Union of Czechoslovak Women. Since no new women's organizations had been formed prior to the 1989 election, there was no organizational support for women. The second major constitutional change was the adoption of the Charter of Basic Human Rights and Freedoms as an integral part of the Constitution, which guaranteed to women an equal position in society. A new Constitution was currently being drafted, and women members of Parliament participated in it. The coordination of women's questions in that process would be the responsibility of the Deputy Prime Minister and the Minister of Control. The representative stated that up to September 1990 activities regarding women's rights had been coordinated by the Ministry of Labour and Social Affairs. That was now entrusted to the Deputy Prime Minister. Co-responsibility was assigned to the Minister of Control for working out the policy of the Government in the field of implementation of women's rights, and for the preparation of concrete measures. The (woman) Minister is the coordinator of all future aims relating to the further State policy towards women. The representative said that resolution No. 120/91 on the "Principles of the policy of the Government of the Czech and Slovak Federal Republic in the sphere of implementation of the rights of women", referred to above, implied that a federal committee responsible for the issues of women and families was not going to be established for the time being. She gave as the reason that at the federal level there was a competence just in the field of human rights, but that the establishment of such an institution was under consideration. She said that no concrete responsibility had yet been set up in the Czech Republic, and that the Slovak Republic had already set up a Governmental Committee on the Woman and the Child. Its activities were only just beginning, and no details were yet available. It functioned as a coordinating body of the Government and of NGOs on the basis of honorary membership. The establishment of relevant commissions was under way in the Federal Assembly, the Slovak Republic and the Czech Republic. The representative then referred to a list of tasks within the competence of federal bodies. Since the report before the Committee had been prepared by the old regime, no information on procedures and participation concerning its preparation were available. The representative informed the Committee that 14 women's organizations were registered in Czechoslovakia with varying membership.

9. On article 5, the representative first referred to the above-mentioned principles. As to whether the current policy encouraged women to return to traditional family roles, she stated that the new family policy was supposed to have exactly the opposite influence, but that the market economy system might have such an influence, first of all because of unemployment. Statistics showed that more than 50 per cent of the unemployed were women. She said that the number of single-income households in the traditional pattern would grow. She added that as that might be at the moment the image of "successful people", it might become a sort of fashion. No data referring to the matter were yet available. She stated that both sexes received the same education, but since the imperative role of the State regarding education

was gone, "girl schools" or "family schools" were emerging. They seemed to be a big success and, according to the representative, proved that 40 years of egalitarian education had not changed fully the stereotyped images of men and women. Parental leave and allowance were accorded under the same rules to both parents, but it seemed that specific education was needed in order that fathers also would be willing to use the parental leave.

10. On violence against women, she stated that unfortunately it was not planned to introduce special laws and protective measures.

11. With regard to articles 7 and 8, she said that there were approximately 10 per cent women members in the three parliaments, and that the speaker of the Czech Parliament was a woman. Each of the three Governments had one woman minister. The representative said that it was currently not possible to use temporary special measures, as they had been used by the previous regime and were thus currently very unpopular. She mentioned the Zonta Organization and the Organization of Women Entrepreneurs as emerging organizations, and the restructuring of the old Union of Czechoslovak Women. Currently, 14 women's organizations were registered. No details on their work were yet available. Information on women's activities in political parties, etc., would be provided in the third periodic report. She added that currently there were six women ambassadors out of a total of 65 (9.2 per cent). They served in such important posts as the United States of America, Austria and Australia. The diplomatic corps had 19 women members out of 400 (appr. 5 per cent). Women in the three parliaments accounted for between 8 and 12 per cent, and women heads of departments accounted for between 10 and 60 per cent. In the Ministry of Foreign Affairs, for example, 5 directors of departments were women (16.7 per cent). In the Czech Ministry of Privatization, 60 per cent of the leading positions were held by women.

12. Concerning article 10, the representative explained that the old Communist regime had sent men into the production process as soon as possible, which left a higher percentage of women in higher education. That phenomenon was now disappearing. Reasons for the low numbers of women in technical areas included hard physical labour and the past underestimation of intellectual work and higher salaries in technical fields which attracted men and made areas such as education (where feminization is 71.3 per cent), medicine, justice, science, state departments, etc., less attractive to men. Those areas were more flexible than the production sphere and thereby more attractive to women. On other questions, she referred to the traditional division of family responsibilities. In some 90 per cent of all couples, the wife took maternity leave. Most women did not return to their previous posts because they could not assume the dual responsibility of full-time parenting and full-time employment. Under the socialist system, cheap and universally accessible child care had existed, but it was of low quality. The new market economy seemed to improve the quality, but it was becoming finacially inaccessible for many. As the number of single-income families was likely to increase, most likely the income would be the husband's. The general population welcomed this new development, and women saw it as the "freedom to choose", since that way of life had been inaccessible in the past. On another

question the representative replied that although de jure an equal right to education existed, the gypsies received a much lower level of education. Efforts were under way to remedy this. Efforts were also under way to integrate disabled students into regular classes.

13. With regard to article 11, the representative stated that no concrete measures had been adopted. Legislative measures guaranteed the right to equal wages, but problems arose in its implementation. Of the total number of unemployed, 55 to 65 per cent were women, with the highest proportion in Prague. Unemployment affected mainly graduates, and tax measures sought to stimulate their employment. More than 80 per cent of the women in the productive years were employed. The transition to a market economy was changing that percentage. An evaluation of measures taken in that regard would be presented in the third periodic report. Remuneration was based on a wage scale which was unfavourable to women. The criteria that defined the exacting character of the labour and established that hard physical labour was better paid still held true in the State enterprises. No data on private enterprises were available. Parental leave had been extended to fathers in 1987, but fathers using it were still the exception as society considered it unusual, strange and even humiliating for men. A new law was currently in effect concerning maternity allowance, establishing that both parents were entitled to it for the first three years of the child's life. Currently, the allowance amounted to 900 Koruny per month. This was in line with the new family policy, but the social climate still needed to be changed in order to provide both partners the same opportunities to choose. Many nurseries had had to close down, and the situation was in flux. Data might become available later in the year. The Government was ready to submit ILO Convention No. 89 to Parliament for ratification. The new Labour Code, which should be in force by 1 January 1993, should satisfy the provisions of that Convention. Nothing had changed with regard to social benefits. Women were treated as individuals with certain exceptions (soldiers' wives can benefit from a special allowance). Unemployed women were treated in the same way as men. Concerning the informal sector, she stated that it had not existed in the socialist economy, except for the black market. Services provided by women had included cleaning, babysitting, sewing, gardening and the selling of products. The private sector had appeared only two years ago. It was currently very difficult even to classify the informal sector.

14. In respect of article 12, she stated that the participation of clients in the costs of health care services was not being considered for the next year. Complete coverage was still provided by the State. More details would be provided in the third periodic report. Information on AIDS should be provided in schools. An AIDS prevention information campaign had also recently been started by the Ministry of Health Care. No measures specifically addressed to women had been taken. As of November 1991, there had been 25 cases of AIDS, and 128 cases of HIV-positives, among them 9 women. The national family policy referred basically to parental leave and allowances, tax policy and social security measures. More information would be presented in the third periodic report. Contraceptive means had become more accessible in terms of availability, not in terms of affordability. The fertility rate had been stable for the last five years.

15. Concerning article 16, the representative stated that upon divorce, the allowance to be paid by the parent who did not take the children consisted of two parts, namely for the aliment and education of the children, and for the care itself. Property acquired during marriage was divided equally upon divorce. No studies had been conducted to evaluate the value of unpaid domestic work.

16. Members of the Committee congratulated the representative on the candid comments and thanked her for the frank, clear and very informative answers and remarks provided. They wished her success in her future endeavours.

17. Members then asked a number of additional questions. One member asked how the Government assessed the major qualitative changes of recent years, and whether they had helped women. She inquired about the tendency of divorce rates and also recommended that the Government should assess the role of women's organizations in the changing society. Many members referred to the lack of a national machinery for women. It was said that such machinery was very much needed, also to avoid the danger of a backlash in women's role and status, which, it was feared, was emerging in areas such as part-time work, or with women staying at home, and dangers that might stem from the new family policy. It was said that national machinery for women, not for women and the family, was absolutely necessary, and the representative was wholeheartedly advised that there was a need for such machinery. One expert suggested that the women's movement could be the basis for such machinery and that it should have channels to reach the authorities and those in power, so as to have proper influence on the decision-making process. It was also noted that women seemed to be seen as part of the family, which was considered to be a basic conceptual problem. Women were beings in their own right, it was said, and the family was only one part of their being. A choice had to be made whether to see men and women as individuals or as members of families. That choice had repercussions on tax, employment and social security policies. The representative was advised to recognize men and women as individuals, because the move away from the family concept and towards the individual was very difficult; her country had the chance to start afresh. She was also advised to introduce equality officers in unemployment agencies to break through tradition and to overcome stereotypical thinking. It was further pointed out that without the establishment of quotas or numerical goals it was very difficult for women to obtain their fair share. One expert noticed a passive attitude on the part of women and the authorities in dealing with issues. She referred to the existence of 14 women's organizations and to the lack of clarity regarding their programmes, as well as to the absence of a definition of discrimination in the law.

18. With women's professional future in danger due to the changing economy, one expert wondered why they were not getting organized. It was also asked what kind of collaborative retraining efforts were under way for women who were losing their jobs in the transitional economy. The question was raised whether women were aware, and able to take advantage, of the emerging market economy: could they become businesswomen? Was there enough government support? Were they ready to take the initiative in the small and medium-sized

enterprise sector? Concern was expressed on the closing of nurseries and the impact that had on working women, in particular also regarding young women and their career possibilities. Clarification was sought on the informal sector. It was conceded that it was not easy to deal with a situation of transition, where not all the answers were in yet. One had to face the fact that transition affected women in particular. How did the government plan to assist women in that difficult situation?

19. It was asked whether there had been an increase in prostitution. Members requested clarification on the legality of abortion. The question was also raised as to who prescribed contraceptives, whether they were free and how women obtained access to contraceptive means. Several experts reminded the representative of their concern on the issue of violence against women. It was asked whether forced sterilization of gypsies occurred. Clarification was sought on the role and functions of the Ministry of Control.

20. The representative stated that women in her country did not know what problems they were facing. There was no pressure from society to take certain steps. Problems were many and manyfold. She thanked the members for all their comments.

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ADOPTION OF THE REPORT

Addendum

El Salvador

1. The Committee considered the second periodic report of El Salvador (CEDAW/C/13/Add.12) at its 198th meeting, on 27 January 1992. The list relating to this report contains the following questions:

"General observations

"1. Although commendable efforts have been observed, the Committee notes that the second report is not very different from the first and on the whole fails to include the statistical data requested. Could more information be provided to the Committee detailing the impact of the internal war on the situation of women and children, who constitute the most vulnerable groups?

"2. The Committee hopes that the cessation of hostilities will be followed by specific measures, duly recorded, for the advancement of women, since it has been stated that such measures are being elaborated and that it is the Government's wish to apply them. It would like to know how the Government intends to involve women in the post-war planning?

"Article 2

"1. What is the outcome of the work of the committee to review Salvadorian legislation, which was convened to eliminate any current vestiges of discrimination inherited from the past?

"2. Does the committee have any women members?

"3. Is there any timetable as to how to finish the work?

"Article 3

"1. What measures are being undertaken by the government agencies to ensure adherence to human rights by official law enforcement personnel?

"2. What measures will be taken to preclude any arbitrary action violating human rights by non-governmental groups?

"Article 4

"1. What is the size, the function and the budget of the Office of Women in the Ministry of Culture and Communications?

"2. Has the Office of Women or any other body developed plans or programmes for the advancement of women?

"3. Does it monitor equality of opportunities?

"4. Can you tell us how many cases it has dealt with?

"5. Has it taken steps to collect gender disaggregated statistics?

"6. Have any steps been taken to consult women's organizations in preparing the report?

"Article 5

"There is obviously a need to strenghten maternal and child health-care and family-planning services. How are single and abandoned mothers assisted and what is done to prevent early motherhood?

"Article 6

"1. Are there statistics on the number of women engaged in prostitution?

"2. Are there measures to facilitate the distribution of condoms to avoid AIDS?

"3. Has there been any thought of rehabilitating these groups and are there specific measures to detect the exploiters?

"4. As a result of the examination of the criminal law, has there been any amendment to give women greater protection?

"5. Does the rape of a prostitute carry the same penalty as other rape?

"Article 7

"1. Could information be given on the percentage of women with legislative, executive and managerial responsibilities?

"2. Has any temporary measure been devised to increase the number?

"3. What is the percentage of women in diplomatic posts?

"Article 10

"1. According to UNICEF data, approximately 400,000 children are totally outside the school system, and there is a very high rate of drop-outs. Illiteracy is also high. What programmes are there to give effect to the Government's intention to implement the education of women?

"2. What specific plans are there to provide a type of education that retains the children? Perhaps schools with school dining-rooms?

"3. What were the results of the schemes for literacy by radio?

"4. Given the fact that more women than men are illiterate, how does the Government intend to overcome this gap?

"5. Are there specific literacy programmes for women, and if not, why not?

"Article 11

"1. It is obvious that women's participation in the labour market has increased. Has any thought been given to training women to enable them to work at management levels?

"2. What percentage of women in the urban and rural areas have social security?

"3. Is there any government agency that investigates violations in the provision of benefits?

"4. Why are the retirement ages for women and men so far apart?

"5. Are there different conditions of work and social benefits in the public and private sectors?

"6. Why are women in such large numbers in the administrative and commercial sectors? Is it women's real choice and does it contribute to lower earnings levels?

"7. Has the Government planned to undertake a review of the protection legislation?

"Article 12

"1. It is estimated that approximately 60 per cent of the population has no access to sanitary facilities. Malnutrition and anaemia together with frequent pregnancies are the most common causes of maternal mortality. What measures are foreseen to reverse this situation to achieve as much success as the recently implemented vaccination scheme?

"2. How many women use the services of the 'maternity hospitals'?

"3. To what extent are children born at home?

"4. Are all Salvadorian women covered by the social security system and do all receive so-called 'maternity layette'?

"5. The Committee notes that there has been some improvement in reducing the high infant mortality. What measures have been the most productive and beneficial, and are there plans to extend those efforts?

"6. Are there preventive programmes and services to deal with the problem of AIDS?

"Article 14

"The Committee understands that only 40 per cent of the rural population has potable water and feels that the cooperatives and self-help groups acting jointly with the Government would be able to remedy the situation. Is there any plan of this kind?

"Article 16

"1. Has the provision of article 182 of the Civil Code that specifies that the husband owes protection to the wife and the wife obedience to the husband been repealed?

"2. Has the committee's review recommended a repeal of the discriminatory provisions under articles 182, 145 and 180?

"3. Are there many cases in which the wife voluntarily abandons the husband?"

Replies of the representative of the Government of El Salvador

2. Before replying to the list of questions, the representative reminded the Committee of the crisis that the country had undergone in the 1980s and its grave consequences, particularly for the poorest sections of the society, where a high percentage of women and children could be found. But with the conclusion of the negotiations between the Government and the Frente Farabundo Marti para la Liberación Nacional (FMLN) and the peace agreement of 16 January 1992, the country was entering a new phase of national

reconciliation and reconstruction with a view to reintegrating all social groups in order to bring about economic and social recovery and equal opportunities for women and men. The Government's national reconstruction plan was currently in its first phase. During the last few years, the armed conflict had affected all sectors of the society and, as a consequence, had led to a decline in the economic and social situation. Through migration outside the country the family unit had deteriorated and violence had increased.

3. The representative gave an overview of the most important articles of the Constitution that were currently under review in order to promote the status of women. She mentioned articles that prohibited discrimination on the grounds of sex in marital relationships, remuneration, education and nationality. Under the Constitution, anyone had the right to life, physical and moral integrity, liberty, security, work, ownership and possession and to the protection of those rights. Nobody could be obliged to change domicile except in special emergency circumstances. She said that a new civil code, which would protect women as essential members of the family, was in the process of being drafted. Many of the concerns expressed by the experts in relation to socio-cultural prejudices, which seemed to emerge from the country report and were reflected in the legal dispositions in force, would be overcome by some of the provisions contained in that draft family code, which would be based on a broader conception of the family. The idea was that the new family code would not just amend, but rather abrogate, the whole first part of the Civil Code of 1860, dealing with family rights. The most important innovations referred to an equal marriageable age of 18 years for women and men and to full equality of personal and property rights and duties of both spouses. Divorce was contemplated when the spouses' life in common became intolerable. The spouses had to deal jointly with all domestic duties and had to contribute to the family household according to their means. For the administration of the family property, the spouses could choose between the separation of goods, participation in the earnings and the association of earnings. De facto unions that had lasted for more than one year were considered equal to matrimonial unions as regards inheritance, personal and property rights. Parental authority was shared by both parents, and the name's rights were regulated by the new draft legal provisions.

4. In El Salvador, governmental institutions monitored the protection of women in society: the General Prosecutor's Office, which protected the family and gave legal assistance to persons with low income; the Attorney General, who started legal action in cases of violations of human rights regarding women; the Office of Women; the National Secretariat for the Family within the Women's Office; the Department for Women and Minors within the Ministry of Labour and Social Security; and the Centre for Development for Rural Women within the Ministry of Agriculture. Any assistance provided by the Attorney General was free of charge. In addition to that, the General Prosecutor's Office had a programme that gave abandoned women access to credit.

5. The representative then replied to questions contained in the list that had been transmitted to the Government.

6. On article 2, the representative explained that the special committee to review Salvadorian legislation in the light of the Convention on the Elimination of All Forms of Discrimination against Women had completed its work in 1991 and proposed a preliminary draft of the family code. It had been submitted for comments to several ministries and government agencies as well as to NGOs. The comments would be made available to the legislative assembly. Some of the comments made referred to the use of gender neutral language and the elimination of any reference to "good conduct" as a precondition for founding a family. Others referred to the repeal of the 300-day waiting period for women after the dissolution of a marriage before getting remarried, to family expenditure in the sense that housework should be estimated at the same value as the contributions made by the other spouse through paid work outside the house, to the equal sharing of household duties between the two spouses and to alimony duties of the child's father during the period of pregnancy and three months thereafter. The Committee had women members, and three women lawyers had participated in the drafting of the new proposed family code. As the work of the Committee had finished, a team with similar functions in the Ministry of Justice would resume its work.

7. Referring to questions under article 3, the representative said that through the reform of the Constitution the Office of the Prosecutor had been set up for the defence of human rights. It had to monitor the respect of human rights and make investigations either ex officio or following a denunciation.

8. On questions under article 4, the representative said that the Ministry of Culture and Communications had ceased to exist under the present Government and had become one of the four secretariats attached to the office of the President of the Republic. The Office of Women had become part of the Ministry of Education and was coordinated by the Women's Unit in the National Secretariat for the Family. It had developed the following plans or programmes for the advancement of women: training programmes for female shop owners and women working in home education, a programme on women, health and development, a training programme for persons in several government agencies and ministries about sex education, self-esteem and the women's problems. Other projects were the revision of Salvadorian legislation in the light of the Convention, in particular of the family, labour and penal codes, monthly seminars on the situation of women in different fields for women from governmental organizations and NGOs to complement the new draft laws and to raise consciousness, a pilot project for setting up offices for the defence of women victims of family violence, which would cooperate with the General Prosecutor's Office, the General Attorney's Office, some ministries and NGOs. Other programmes included a legal literacy programme, workshops on the integration of women into development, a workshop on rural women and communication, a regional seminar on women, health and legislation, which initiated the setting up of a commission for women and the family within the Legislative Assembly. With the financial assistance of UNFPA a profile of Salvadorian women was to be elaborated.

9. On article 5, the representative mentioned that the Adolescent Unit of the Department for the Family had worked out programmes for single mothers and gave particular attention to pregnant teenagers and teenage mothers to reduce teenage pregnancy, give them health care, labour protection and provide them with additional nutritional and pre-natal attention. The programme had been carried out in May 1990 in several provinces. It currently included most health centres in the Republic and provided the teenage mothers also with financial assistance through the communal banks. In May 1990, clinics for victims of sexual abuse had been set up in several district hospitals under the supervision of the Secretariat for the Family to provide them with medical, psychological and legal assistance.

10. Referring to questions posed under article 6, the representative stated that the National Department for the Family was currently preparing statistics on the number of women engaged in prostitution. Furthermore, a medical assistance programme was being carried out, which included weekly medical check-ups, tests for venereal diseases and HIV/AIDS tests. The Department provided to the prostitutes training in health matters and rehabilitation programmes. In the Penal Code there was a different penalty for rape, in general, and for rape of a prostitute, however, the penal legislation was currently under review.

11. On article 7, the representative said that statistics would be provided in the third periodic report and that there were some women in the legislative assembly and two women ministers, the Minister for Planning and the Minister for Education.

12. Turning to article 10, she explained that the Ministry of Education had prepared an adult literacy programme for women and men and that primary education had been expanded. Furthermore, the programme, entitled "glass of milk", provided children in primary schools with nutritional support.

13. On article 11, the representative said that detailed answers to the questions raised would be provided in the subsequent report. Women had access to technical and university education without limitation. The conditions for work and social benefits were mostly the same in the public and in the private sector. The different retirement ages of 55 for women and 60 for men were explained by the double burden, in the workplace and at home, often faced by women. Women were mostly involved in the informal, commercial and service sectors. The protection legislation was currently being reviewed.

14. Replies to questions posed under article 12 would be provided in a subsequent report.

15. Before concluding, the representative said that in her country equality between men and women was still an aspiration rather than reality and although it seemed difficult to achieve, it was an ideal that El Salvador wanted to become reality through overcoming the socio-political and economic problems and prejudices inherent in traditional patterns, which could not be achieved in the immediate future. The representative gave her Government's commitment

to prepare the third periodic report shortly and to give therein a full account of the situation of women in her country and of the projects that would be carried out within the national reconstruction plan. The internal efforts would be paralleled by bilateral and multilateral help in order to spark off the social development in countries like El Salvador, where development programmes had for so long been neglected.

16. Members of the Committee expressed their gratitude for the information provided and commended the competent manner in which that had been done. They showed understanding for the difficult period that the country had gone through and emphasized that if a country wanted to advance, it had to take into account the women's dimension for designing their policies and setting their objectives. The country's desire to achieve peace was praised and the hope was expressed that the international community would aid the national reconstruction effort.

17. However, they urged the Government to include statistical data in the subsequent report. Despite the Government's declaration to improve the status of women, the current report did not provide a detailed description nor a time-frame or an evaluation of the programmes for women. Although members were impressed by the policy to strengthen the family, they recommended to the Government that it modify discriminatory elements in the Civil Code to reflect better the Government's policies. Experts commended the fact that the draft family code had been submitted to various interest groups for comments, expressed the hope that it would soon be enacted and asked if legislation had been proposed on the status of children in de facto unions. Further questions referred to the grounds for divorce and to whether distribution of property was done in an equitable manner after the dissolution of a marriage. It was asked how many women had been assisted by the communal banks, how many prostitutes had been covered by the available programmes and whether any programmes were designed to convince men that the double burden on women's shoulders was not fair.

18. In reply to the additional questions raised, the representative said that the lack of statistics was a serious problem. Some data were available on the programmes for young mothers and sexual abuse. A detailed description of the programmes for women would be provided in the subsequent report. Regarding the Civil Code, the representative explained that what was aimed at was not a reform of the Civil Code, but a repeal of the whole part concerning the family, which should be replaced by the new draft family code. El Salvador had ratified the Convention on the Rights of the Child, and a Code for Minors existed, details of which would be provided in the subsequent report. The draft family code provided for dissolution of marriage in case of death or supposed death of one of the spouses and dissolution of the matrimonial bond through divorce by mutual consent, because of separation of the spouses for one or more consecutive years or the fact that life between the spouses was intolerable. The divorce might be requested only by the spouse not responsible for the breakdown of the marriage. Under the new code the couple was free to choose between the three types of patrimonial regimes already mentioned earlier. If no choice was made, the court imposed on the parties

the system of shared earnings. Regarding prostitution, it was said that about 600 women were protected by the programmes offered.

19. In concluding observations, the Committee showed its appreciation for the Government's optimistic approach to the issue of advancement of women considering the sufferings the country had undergone. The various agencies dealing with the status of women that had been mentioned and the access of women to communal banks were particularly commended. The Committee strongly asked for the inclusion of statistical data in the subsequent report and wished the Government every success in its undertakings.

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ADOPTION OF THE REPORT

Addendum

Sri Lanka

1. The Committee considered the second periodic report of Sri Lanka (CEDAW/C/13/Add.18) at its 202nd meeting, on 28 January. The list relating to that report contains the following questions.

General observations

It is easily evident from a review of the situation of women in Sri Lanka (both initial and second periodic reports) that the problem does not lie in the sphere of the national law. Sri Lankan national law, based on the enunciation of the Constitution of 1973, provides for the fundamental right of equality between the sexes. A progressive Charter of Women was furthermore formulated (although reportedly not officially adopted) in 1991, and several levels of bureaucracies have been put in place with the objective of pushing for true women's equality.

Despite a liberal constitutional framework and a tradition of progressive legislation, gender discrimination, both in its overt and covert forms, still abounds in the country.

The problem clearly lies elsewhere and, in the face of the second periodic report from the country, the imperative is to identify and address the factors which constitute the obstacles to de facto equality.

Major critical issues

There are five areas (and a subsection on violence) that are being suggested for close investigation as constituting major sources of continuing discrimination against women.

Impact of the internal armed conflicts

1. Have these armed conflicts led to an increase in military spending and to a decrease in spending for development?

2. Are there statistics available on the numbers of persons that have been affected by the armed conflicts, especially on the number of displaced persons? How many of these are women and children?

3. What problems have been identified regarding these women and children?

4. What are the short-term and long-term measures being undertaken to improve the quality of life of displaced persons, if not to bring about a permanent solution to the problem?

5. Are there women who have been placed under military detention or forced into exile? What is being done about their cases? Do they have recourse to courts or tribunals?

6. What is the status of women who have been forced to leave Sri Lanka? What provision is made by families of these women, especially their dependent children?

7. Are these measures for the redress of "grievances" or compensation of victims of political violence?

Effectiveness of government machinery (arts. 1-4)

More than many other countries, Sri Lanka has established a firm legal and justiciable basis for gender equality and has established a number of governmental bodies to be responsible for government action on the issue. However, many observers will note that, while the mandates of these agencies were comprehensive enough, actual acievements in advancing women's rights have been scarce.

1. What is the staff size for women's issues of the Ministry of Women's Affairs and Teaching Hospitals (MWATH) as compared to the staff of the Women's Bureau? Who works in the Women's Bureau as director, deputies and officers? Only women, or men also? Do they have separate budgets, and if so, what size?

2. What is the relationship between MWATH and the Commission for the Elimination of Discrimination?

3. Give some more information on the objectives of the Women's Bureau. What is meant exactly by the phrase: "ensuring the preservation of Sri Lanka culture and traditions by fostering moral and ethnical values so far as they affect the role of women in the process of modernization"?

4. Which and how many recommendations have been made concerning equality of women before the law? What legislative proposals did the Women's Bureau put forward to the Government, and which have been accepted by the Government?

5. How many complaints of sex discrimination, and in what areas, have been filed with the Commission for the Elimination of Discrimination and the Monitoring of Fundamental Rights since 1986? How many have been handled by the Commission, and with what results?

6. Why has no sex discrimination complaint been brought to the Supreme Court?

7. What is the relationship between the Supreme Court and the Commission for the Elimination of Discrimination in such matters?

8. Do complaints have to be filed by individuals or can women's organizations file claims?

9. Why does the Government not use the instrument of temporary special measures to overcome obstacles to the equality of women?

10. Does the Government have any plans to extend to women the special measures it has developed to advance the status of other disadvantaged groups?

11. What is the status of the Charter of Women? Has it been formally adopted as legal or executive action? If not, why not? Has the idea of a Charter been scrapped? If so, why?

12. Has the National Commission on Women proposed in the Charter of Women been established? What is its relationship to the other bodies concerned with women's rights? What is its programme of action in pursuit of the stated objectives? If it has not been set up, does the Government still have plans along these lines?

Discrimination due to personal laws (arts. 2, 3, 5 and 16)

From the initial report of Sri Lanka, the most disturbing feature that emerged was the existence or application of several systems of "personal laws", based on differing social and cultural practices of ethnic or religious groups that deny equal status of women before the law. The Government has given the information that a proposal to eradicate personal laws had been resisted by the concerned parties. Beyond identifying the specific issues raised by the existence of

conflicting laws, the attempt needs to be made to draw up a legal framework that will adhere to the constitutional principle of gender equality within the context of a multicultural and pluralistic society.

1. Has the State made a move to identify and codify all the personal laws that are discriminatory towards women? These include laws that provide for: preference for males in intestate succession (Muslim law); no obligation for the father to maintain an illegitimate child (Muslim); women's consent as not a prerequisite for a valid marriage (Muslim); inability to dispose of immovable property without the husband's consent, etc.

2. Since Sri Lanka made no reservations when it ratified the Convention, how does the Government intend to resolve the contradiction between the constitutional provision and the teaching of human rights and the continued existence of discriminatory laws for women?

3. Why is personal status law the only area in which religious and ethnic laws remain intact, while all other legal fields (e.g., criminal, contractual, civil, etc.) are governed by a single general law?

4. Is there any system of redress for women covered by personal laws?

5. Have women been effectively consulted on their feelings and proposals regarding the disposition of personal laws?

6. Do temporary special measures have a role in beginning to dislodge the application of personal laws?

7. What are the other legal avenues open to redress the situation?

Socialization to traditional gender roles (arts. 5, 10 and 11)

The second period report ascribes the continued subordination and marginalization of women in many spheres of life (e.g., public life) as being primarily self-imposed due to their own internalized concept of women's appropriate role and responsibility in society.

1. What have been the results of the Women's Bureau's survey on the changing attitudes and perspectives of women?

2. Have men been studied too?

3. Does the Government see progress on the basis of this study in bringing about more equal roles and tasks in all areas of life?

4. What measures are there to ensure that women complete this education? For example, has consideration been given to raising the age for marriage?

5. What has been the role of education in perpetuating as well as eliminating gender stereotypes?

6. What kinds of curriculum and programme changes has the Government initiated since the Life Skills Project?

7. Do young men and women study mathematics and science the same number of hours in secondary school?

8. Are there development efforts being undertaken, in either the public or the private sector, to provide for more vocational alternatives for women?

9. What special measures has the Government introduced to motivate employers to place women in positions of skill or responsibility in both the private and the public sectors?

10. Since the Government recognizes that family duties put a constraint on women's work in public life, what does the Government plan to do to alleviate these constraints (e.g., child care, flexible working time, etc.)?

Violence against women (arts. 2, 5, 11, 12 and 16)

1. Do women under personal laws suffer a greater incidence of domestic violence and sexual abuse, including rape, within the family?

2. Is there a higher incidence of violence against women in areas or communities where personal laws are in operation?

Women in the economy (arts. 6, 11 and 12)

The economy of Sri Lanka is in critical shape and women, in the effort to keep their families above survival thresholds, have had to take jobs in vulnerable and unprotected spheres of work. There is a need to seek remedies to the situation of both short-term and long-term measures.

There are areas of work where women appear to be especially vulnerable:

1. Women working in plantation work:

1.1 Do women work on plantations as seasonal workers, or are they employed on a year-round basis?

1.2 What is being done to prevent plantation management from cicumventing the intention of the equal wages law?

1.3 Do maternity benefits also apply directly to women working on plantations?

1.4 What programmes have been directed towards female plantation workers, and with what results?

2. Women in free trade zones (especially the garment industry):

2.1 Are wages and health regulations protected by a trade unions agreement?

2.2 Are women allowed to associate, join trade unions, improve their working conditions and protect themselves from sexual harassment and violence?

3. Domestic workers employed overseas:

3.1 How many women are employed as domestic workers overseas and what measures are there to look after their interests?

3.2 To what extent were women who had migrated as domestic workers to the Gulf States affected by the Gulf war?

3.3 Does the Government know of causes of rape, mutilation, and death of these women? If so, what has been its reaction?

3.4 What is the situation of these workers now? Have they returned to Sri Lanka? If so, have they found new jobs?

4. Domestic workers in Sri Lanka:

4.1 What is the situation of domestic workers employed in local homes?

4.2 Are there provisions for wage standardization or regulation of workloads and working hours?

4.3 Do they have access to a system of redress?

5. Prostituted women

5.1 Are there statistics available, such as on the number of women affected, and especially young girls, and also on the number of raids carried out and of the men and women arrested?

5.2 What has been the development on the proposed legal changes affecting prostitution?

5.3 Are there statistics on the incidence of AIDS?

5.4 What is being done to counteract this?

6. Does the Women's Bureau intend to undertake studies on the effect on women of:

6.1 Structural adjustment policies;

6.2 Sex tourism;

6.3 Export of female labour to home-based or entertainment-related overseas work;

6.4 Free trade zones.

Replies of the representative of the Government of Sri Lanka

2. The representative of Sri Lanka stated in her opening remark that discrimination as such was not prevalent in any part of the country. The situation created by the armed conflict was considered a national problem, and special treatment of women in that situation was not possible.

3. The representative first replied to the questions asked under the heading "The impact of the internal armed conflict". She said that military spending had increased from 2.3 per cent of the budget to 10 per cent. A complete recovery with regard to development programmes had however taken place over the last three years, facilitated by strong economic growth. Her country had also obtained concessional assistance for development and economic restructuring with a focus on rural marginalized subgroups. Those would undoubtedly have the effect of benefiting women. She stressed that even the worst of times had not seen the perpetration of discriminatory practices on women. Issues relating to displaced persons, refugees and their resettlement and rehabilitation were dealt with by the highest authorities. The peak of displaced persons had been reached with 1.2 million, a number currently reduced to 696,000 (163,500 families). No sex-disaggregated statistics were kept in that field. Five hundred twenty-nine (529) welfare centres had been established to house displaced persons and other assistance measures had been taken as well. The measures focused on the family unit and the assistance was given to the breadwinner, whether man or woman. The representative said that there are no women placed under military detention nor had any been forced into exile. Women arrested in conjunction with the insurrection were being treated under statutory law and were subject to established judicial tribunals. No sex-disaggregated statistics were kept concerning persons who had fled Sri Lanka. Measures for redress of grievances were available at courts of law irrespective of sex.

4. Under the heading "Effectiveness of government machinery", the representative provided the following replies. The national machinery had the following structure: at the top was the Ministry of Health and Women's Affairs (MHWA), headed by a woman cabinet minister. Within its infrastructure operated the State Ministry of Women's Affairs (headed by a woman State Minister), which had been assigned specific responsibilities in relation solely to women's affairs. The Women's Bureau was the implementing organ in

relation to projects. Staff assigned to women's issues were as follows: three persons in the State Ministry (of which two were women, namely the State Secretary and the Senior Minister), 17 in the Women's Bureau (of which 13 were women, including the Director, the two Deputy Directors and two of the three Assistant Directors) and 98 in the districts (field offices). The State Ministry and the Women's Bureau had their independent budgetary allocations. Development programmes were funded through foreign aid. As to the question relating to the links between MHWA and the Commission for the Elimination of Discrimination and the Monitoring of Fundamental Rights (CEDMFR), which had been established in Sri Lanka in 1986, she replied that there were no special organizational links. The Ministry was involved in policy formulation and implementation, and the Commission had its strict guidelines. The purpose of CEDMFR was to receive complaints on discrimination on a broader spectrum. A total of 39 complaints of sex discrimination had been filed with CEDMFR. The Commission looked at all grounds of discrimination, sex being one of them. Twenty-two complaints were by women and 17 had come from men. In 11 of the 22 cases no discrimination had been found, 6 applications had been settled or withdrawn and 5 cases were pending. The majority of cases alleged discrimination on more grounds than sex. CEDMFR used a conciliatory and mediatory process. No legal representation was required. Applications before the Supreme Court must be argued by Counsel and could be a costly exercise. The absence of sex discrimination complaints before the Supreme Court might perhaps also have to do with the inability to actually prove discrimination in a court of law. The Supreme Court was the highest court, and CEDMFR was empowered to attempt settlement by conciliation of any matter which might be referred to it by the Supreme Court. Only the aggrieved party could file a complaint with the Supreme Court. Complaints to CEDMFR could be made by women's organizations.

5. To date the use of temporary special measures had not been resorted to. No plans had been formulated for the purpose so far. The Charter for Women was available in draft form and was awaiting governmental approval. The Ministry of Women's Affairs was considering and would formulate the mechanism to monitor implementation of the Convention on the Elimination of All Forms of Discrimination against Women. This might include the appointment of a National Commission on Women. As to the objects and functions of the Women's Bureau, the representative said that they were reviewed as necessary to set desired priorities. Recently, the Bureau had been focusing on the promotion of economic activities among women and no recommendations concerning equality of women before the law had been made. The Bureau had not dealt with the area of legislative reform. The representative also said that Sri Lankan women, in their quest for advancement and equality, must not shed the positive features of moral and ethical standards.

6. The representative then addressed questions asked under the heading "Discrimination due to personal laws" (arts. 2, 3, 5 and 16). She stated that that was indeed a difficult matter. An awareness of differences in personal law concerning men and women did exist. The attempted introduction of one national personal law had been met with resistance. A Muslim Law Reform Committee comprising women had been established to recommend reforms, where

necessary. Areas that appeared to discriminate against women and that were being looked into by the Reform Committee included the preference for males to intestate succession. The justification used was that the husband had a duty to support the wife. Also, upon marriage, a Muslim was required to give Mehr (a kind of dowry) to the wife which she could claim at any time during marriage or she had a first charge on his estate. Another area of apparent discrimination was the lack of obligation on the father to maintain an illegitimate child. Here, it was hoped that the Reform Committee would consider a change in attitude. Concerning the fact that the woman's consent was not a prerequisite for a valid marriage, it had to be said that the woman's consent was in fact a requirement but was largely breached. One hoped for a firm proposal of the Reform Committee to ensure compliance with the right to consent. Concerning the husband's right to practise polygamy, she said that a proposal was before the Reform Committee which would enable the wife to divorce the husband by unilateral decision if he entered into a second marriage. Customary law had been left in place by the colonial rulers as far as possible. Muslims had recourse to the Quazi courts in Muslim marriage and divorce matters; otherwise access to normal courts was available. Women seemed to be more concerned with the improvement of economic conditions and skills rather than with the reform of personal laws.

7. The next series of questions addressed by the representative related to the "Socialization to traditional gender roles". A survey planned by the Women's Bureau on changing attitudes of women had not been completed. As to the average age of marriage of women, she said that it was 26 years, in particular because more and more women were pursuing education and careers. Women were very conscious of getting an education. The need to incorporate a more realistic marriage age into the statute had been identified. The revision of school textbooks and teaching materials to eliminate gender stereotypes had begun. Elementary school students, irrespective of gender, were exposed to the same skills. No difference in the number of study hours for mathematics and science existed for males and females. A gradual diversification process in vocational skills was being introduced. The State had not been able to provide facilities for child care, flexible work hours, etc.

8. Regarding violence against women, the representative stated that the fact that a woman was governed by Muslim law, Thesawalamai or Kandyan law certainly had had no impact on the use of violence.

9. Under "Women in the economy", the representative stated that the majority of women workers were employed on a year-round basis on tea plantations. She said that surveys indicated plantations' compliance with equal wage laws, and that maternity allowances applied. Medical facilities were provided. Programmes directed towards female plantation workers covered adult education, health, nutrition, sanitation, family planning, etc. Infant mortality and maternal mortality rates had dropped considerably, and literacy and quality of life rates had increased. Women in free trade zones was an issue which had been identified as an area worthy of close scrutiny. It was believed that there was room for improvement in working and living conditions. The number

of women domestic workers in the Middle and Far East was estimated at 250,000. A disproportionate number of Sri Lankan embassies was located in the countries of those regions. Certain mandatory conditions, such as minimum wage and return air fare, were set for employers to safeguard the interests of the women workers. An estimated 65,000 women reportedly had returned to Sri Lanka during the Gulf war. Over 30,000 of these had gone back abroad. Returnees obtained a compensation. If and when known, instances of rape, death, etc., of domestic workers overseas led to appropriate governmental action. Domestic workers in Sri Lanka were not governed by labour laws, and there were no attempts to standardize wages or working hours. There was no system of redress, except for leaving the employment. The representative did not have at her disposal statistics on prostitution. She said that adequate legal provisions existed, but that the focus must be on effective implementation. There were 39 cases of AIDS in men, and 10 in women. Information campaigns on AIDS were being carried out. A study on structural adjustment policies had been carried out by the Centre for Women's Research, an NGO. The suggestion of a study on sex tourism would be considered, and a study on women in free trade zones would be undertaken.

10. Members of the Committee thanked the representative for her answers. A number of additional questions was asked.

11. Referring to the armed conflict, members asked what were the main incidences of violence against women as a result of the conflict, and what kind of efforts the Government was making to solve the problem. Clarification was also sought on family and domestic violence. One member wondered whether it was possible to obtain an injunction against a husband in connection with violence. Further clarification and more details were sought on the issue of women in free trade zones, and in particular concerning the existence of trade unions, the right to organize, protection of young and vulnerable women, etc. One member inquired about rural women and changes occurring in their roles of production and whether, and how, the Government assisted them. Reference was made to a report on missing persons, disaggregated by sex, that had been presented to the Government. The expert wondered whether any action had been taken on the basis of the report. Several members referred to the use, or non-use, of temporary special measures under article 4 of the Convention, and to affirmative action. Experts stressed the usefulness of such measures in overcoming de facto discrimination and obtaining a step-by-step improvement of women's situation. They wondered why the Government did not use such measures. Concerning personal law, it was asked whether women, especially young women, accepted the application of personal law, or whether they opted for national law instead. It was also asked what happened to women after divorce, what the precise provisions were under the ordinary code and whether proposals for reform of divorce law existed. It was asked whether the new measures on prostitution had removed the stigma attached to it, and what had been done in terms of rehabilitation. It was asked whether it was still true that physical opposition had to be shown to bring a charge of rape. Concerning the dowry practice, one expert wondered how it was compatible with the fact that the Government had ratified the Convention, and whether the

Government considered eliminating the practice. It was asked whether the Government was doing anything to stop migration.

12. In referring to the third periodic report, members looked forward to details on the activities of the new National Commission on Women, in particular also with regard to measures under article 4. Since there seemed to be a strong legal foundation, members hoped for details concerning areas where there was no clear, apparent discrimination, and in particular with regard to the following four areas: (i) assistance to displaced persons and the fact that women's situation in such circumstances might be harder still; (ii) a detailed review of complaints and redress before the Supreme Court and CEDMFR might be useful; (iii) information on the availability of support for family responsibilities since the lack of such support systems often led to further disadvantages for women; and (iv) the question might be addressed whether the Government, given the economic situation, had more worries for women than for men. By addressing those issues, the underlying conditions rather than apparent discrimination could be exposed.

13. In replying to the additional questions, the representative stated that women in the armed conflict did not get special treatment. Concerning women working in the free trade zones, that was recognized to be a problem. The laws were there, but they were not always allowed to be implemented. The matter was being looked into. No change in the role of rural women could be observed. Women in rural areas would benefit greatly from poverty elimination programmes under the family unit approach. They were also opting for newer and easier vocations. No negative economic impact was visible. Temporary special measures and affirmative action programmes would cause antagonistic reactions against women when they caused women to be placed in unfairly advantageous positions. The representative stated that there was so much natural progress anyway. She said that women could not opt out of their own personal law. She also said that since there was no serious agitation for reform from within, she inferred that women under Muslim law must be better off. Women argued that under that law they have a right to be treated justly. They did not feel that they were discriminated against. On the divorce question, she said that the statute provided for the payment of alimony, awarded by the judge, for the wife and children. Grounds for divorce are fault-based (desertion, adultery and impotence). A reform currently envisaged by the Government would establish the unified concept of the irretrievable breakdown. On the issue of rape, she explained that physical resistance would prove that there was no consent, but was in itself not necessary for bringing charges. The stigma on prostitution remained. The idea of using the Convention for steps against dowry was an interesting thought, the representative said. But law alone could not eliminate traditions. She agreed that there was definately a need to amend the statute concerning the marriage age. Denying migration, she said, would be very unpopular, because it was based on economic needs. But the Government should instead look after these women before, during and after migration.

14. In closing, the Committee expressed its understanding for the difficulties faced by the Government of Sri Lanka. The efforts made to deal

with the situation were appreciated. The Committee stated that some temporary special mreasures might be advisable and that it was up to the Government to decide which ones would be most useful. The representative was advised to look into this possibility to improve the situation and to speed up improvements. The next report should provide information on legal measures, education and consciousness raising, to further the advancement of women. The aim of whatever measures the Government decided to take should be to bring the de jure and the de facto situation in the country into line with the provisions of the Convention. A balance must be found between what existed and the Convention. Progress should be achieved as quickly as possible without causing a backlash to the advancement of women.